

FLORENCE TOWNSHIP COUNCIL EXECUTIVE SESSION

July 10, 2013

8:00PM

CALL TO ORDER & FLAG SALUTE

Council President Sandusky called the meeting to order and led the Salute to the Flag.

SUNSHINE STATEMENT

The Opening Statement was read by the Township Clerk: Notice was sent to the Register News for information; posted on the municipal bulletin board; placed on the web-site on January 3, 2013; and advertised in the Burlington Co. Times on January 6, 2013.

ROLL CALL

Present: Frank Baldorossi, Ted Lovenduski, Paul Ostrander, David Woolston, Jerry Sandusky

Also present: Mayor Craig H. Wilkie; Richard A. Brook, Township Administrator; Thomas A. Sahol, Assistant Administrator; Kelly Grant, Esq., Township Solicitor; Joy M. Weiler, Township Clerk.

PUBLIC COMMENTS

Council President Sandusky opened the meeting to the public. No comments.

MOTION was made by Ostrander; seconded by Woolston, to close the public comments. Roll call vote – all ayes.

BUSINESS

Audit: Township Auditor to Review 2012 Audit

John L. Maley, Jr., RMA, referred to the Audit Report provided. He explained that Council would be required to pass a resolution stating that the findings and recommendations were reviewed. He referred to the Comparative Balance Sheet in the audit. He discussed the assets and liabilities of the General Fund. He said the surplus was good, but some of it would be needed to balance the 2013 budget. In 2014 there will be more taken from the surplus.

The Water and Sewer Utility Fund was reviewed. There was an increase in the surplus account, attributed to connection fees. There should not be significant changes in the 2014 budget and there should not be a problem balancing the 2014 budget with the available surplus. The utility appears to be in good shape.

He reviewed the findings and recommendations. When an audit is performed, it is not only the dollars and cents that are reviewed, there are also compliance issues regarding laws and regulations. There are several tests performed throughout the year to monitor compliance. He said Florence Township is doing a good job; there was only one finding.

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Contracts awarded in excess of the bid threshold shall be awarded after public advertising for bids unless otherwise exempt. There was a contract for sanitation removal services that was awarded to Garden State Removal in August 2009 for a three year term expiring August 31, 2012. Expenditures for the remainder of 2012 exceeded the bid threshold but bids were not solicited. This shows non-compliance with laws and regulations and can have an adverse effect on financial statements. The reason for the incident was that bid specs could not be completed in time to award the contract by December 31, 2012. The audit recommendation is that contracts in excess of the bid threshold be awarded in accordance with the requirements set in State of NJ Statutes. He noted the management team agrees with the finding and recommendation.

Administrator Brook said the contract is out to bid. He said still being under the current contract is saving the town money.

Mr. Maley said the township is doing really well. The finance office is running well. He said having only one finding is commendable. He noted the two percent levy cap is becoming a problem for many towns and is causing surplus money to be used for the difference. There are two choices to prevent the surplus shortage. The budget can be cut, but he noted the budget is very tight and does not know where it could be cut. Another option is to go to the voters and request a referendum. Also, the debt service cutting back will help future budgets.

Mayor Wilkie confirmed that the fund balance has increased. There was also less surplus used this year. The PILOT funds hopefully will keep things stable.

Administrator Brook said the debt service is why there was a “step down” Road Improvement Program. It was kept at a reasonable level to deal with when the debt service drops off in 2016. He said every department of the local government was looked at. It is a credit to the department heads and employees that there was only one issue. There is a great deal of financial work that goes on here every day. He said the auditors are very thorough during the audit, as they should be.

Township Water and Sewer Engineer

Estates at Oak Mills: Request to Release Bonds

Administrator Brook referred to a report from the Water & Sewer Engineer regarding the Estates at Oak Mills. It was rather extensive. At this point release is not recommended. Pulte will do the work and contact the engineer to verify the work has been done and again request release.

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NFI: Request to Release Bonds

Administrator Brook said a report was received from the Water & Sewer Engineer and there are quite a few items to address. NFI is aware. There will be resolutions prepared for the next meeting denying both releases.

Township Engineer

NFI: Request to Release Bonds

Administrator Brook said the Township Engineer would be meeting NFI on site tomorrow. He has already recommended a release of the Site-Clearing Bond in the amount of \$258,720. The Engineer does not recommend releasing the Phase I Site Bond. He recommends a reduction.

Assistant Municipal Administrator

Assistant Administrator Sahol said that without the cooperation of everyone involved: police, fire, EMS, volunteers – Saturday's Patriotic Celebration would not have been the success that it was. It was hot day and there were no problems. He appreciated all the help from everyone. The Flag Raising Ceremony by the Boy Scouts was very moving. He expressed his gratitude to the Boy Scouts for participating and supporting the community as well. He is looking forward to next year and strives to make improvements every year.

He referred to a memo provided in the packets regarding the modifications to a lease of space on one of the water towers. There will be a vacating of space by a cell provider that is going out of business. It is a minor modification that will realize some benefits from the small space that is available on the water tower. All were in agreement to prepare a resolution for a lease modification.

He said at next meeting there will be resolution regarding requesting designs and bids for the Community Development Block Grant. The areas that are eligible are Hoffner Court and Hamilton Avenue between Delaware Avenue and around Eighth Street. There will be sidewalk and handicapped accessibility improvements in that area. The grant amount was not as large as it once was. It is a federal grant that comes through Burlington County.

Renewable Energy Ordinance: Draft Review

Assistant Administrator Sahol he provided the governing body a memo that was designed to give an idea of where the township stands on this draft language. It was a massive undertaking: looking at many other communities, legislations, regulations and policies.

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Without Barbara Fegley, Township Planner; David Frank, Planning Board and Zoning Board Solicitor; and Anthony LaRosa, Zoning Board Engineer, it would have been a lot worse to deal with; they were extremely helpful.

The township recognizes that the protection of the prime agricultural soils and the agricultural culture in this community as well as in the State of NJ is paramount. There were provisions built into the ordinance to protect those portions of the community. The ordinance states that large-scale, non-accessory solar fields are not a permitted use in the Agricultural Zone of the community.

There are things the Township of Florence cannot control, one is the State Legislature's intent that there are some things that must be permitted through commercial provisions of the regulations. The State of NJ is allowed to make certain placement decisions with regard to solar fields. If a solar field has the protection of the commercial farm regulations, the township does lose some Zoning control under Municipal Land Use Law, but there is some site plan review control. By establishing standards, we give government bodies the ability to see what it is our community wants, and that is to protect the residences and adjoining property owners. As much as Florence Township has said large solar fields are not an appropriate use in the Agricultural Zone, there are some areas where legislative rules must be followed.

Also, solar must be allowed as a principal use in Industrial Zones. Florence Township has two industrial zones: General Manufacturing and Special Manufacturing. Outside of being a principal use, the ordinance does say they can be an accessory use in any zone. The accessory must support the principal function and can only generate 110% power.

This is the beginning of a renewable energy article in the code. There will be some language that can be used for other renewable energy sources, but primarily the township is dealing with solar at this point.

The two types are roof mounted and ground mounted. There are two locations for roof mounted: homes and businesses. When it is on a home, it was determined it is most appropriate to place these on the same plane as the roof pitch, not tilted up. Also they should not extend over the ridge line or the edges of the roof. Townhouse communities that do not have a homeowner's association are not permitted to have roof mounted units. In locations where there is a homeowner's association, the association can make a decision on the placement of roof mounted solar.

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Ground mounted systems can be placed on residential lots. It is limited to providing 110% percent of the dwelling's capacity. It must be located in a rear yard and cannot be higher than 15 feet. Ground mounted systems on non-residential lots will automatically require a site plan review. In this community, the land use code requires anything on a non-residential lot requires a site plan. There are some required standards. The minimum lot size is 20 acres. There is 75 feet of frontage required. The maximum height is 15 feet and there must be 300 feet of separation from the actual facility and any residence. Landscape plans are required and there is a 50 foot buffer that must be established that is not part of the 75 foot setback. Forested lands cannot be cleared to accommodate solar.

At this time David Frank, Esq., Township Planning and Zoning Attorney, joined the meeting.

Assistant Administrator Sahol said areas that have prime agricultural soils will not be cut, filled, removed or damaged in a way such that the value of the soils is lost. There will be no concrete footings or anything that would be potential problems when the facilities are decommissioned. No more than fifty percent of a tract that is farmland assessed can be used. The balance must be retained for an agricultural or passive use; it is not buildable. Protected areas are not included in the calculation of the tract. That description pertains to major systems.

Minor systems are those that are accessory type systems that go to a principal use, such as a house or to a farm. Again it is 110% of the use of the principal and the maximum height of the system is 15 feet. If there is a commercial use of the land in a residential zone and there is solar, there must be a 20 foot wide screening buffer for non-residential ground mounted systems that are minor in nature. All the other accessory use standards currently in the code apply.

The facilities are required to be maintained. The area underneath also must be maintained. The surface under the panels cannot just be filled with stone or concrete and abandoned. It is required that a low lying green cover be used. There will be a continued maintenance plan required. There are provisions in the code that require, if the site is decommissioned or abandoned, certain things have to be satisfied. It will need to be returned to the same or better use.

Three items were not in the draft, but Assistant Administrator Sahol believes they deserve discussion:

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The first is the possibility of a requirement that first responders are trained to respond to the facility.

Also, he would like to see staging of the vegetation that would be growing under the structures.

Finally, he would recommend a requirement for a graphical cross section, like a profile. People should be able to know what they will see even after a buffer or screening was completed.

Assistant Administrator Sahol said the legislation and the intent of the legislators have become very convoluted. With this ordinance, Council will make a clear statement as to what it believes is truly what should be done in the community.

Solicitor Frank said in drafting this ordinance he took direction from Assistant Administrator Sahol about the intentions of Council regarding large solar fields in the agricultural areas of the community. His understanding is that Council does not want to encourage it there at all. When renewable energy was relatively new, legislatively it was considered to be a benefit. As a result, in 2009 the legislature adopted the Energy Master Plan and named solar and wind energy an inherently beneficial use. This is important at the Zoning Board because when something is an inherently beneficial use it is considered to be so good for society at large that it is encouraged. There was a faster growth of solar than anyone anticipated. Then there was a consciousness that big solar on agricultural lands might not be as beneficial as other sites, such as landfills and brown fields. In 2012 the legislature passed another statute that actively discouraged development of big solar fields on agriculturally assessed land or on land where solar would impede the preservation of open space.

The language in this ordinance is saying that we've looked as a community at our own Master Plan and its objectives, looked at the State of NJ's policies and looked at the state plan and came to the conclusion that big solar should not go on agricultural areas. It would be worse to put solar at these locations if they were targeted by the State of NJ or Burlington County programs for preservation. This is a very clear direct policy statement that shows Council, as a body, weighed these considerations.

Council President Sandusky thanked those involved for the time and effort involved in creating the ordinance. It will be introduced at the next meeting.

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Public Comments

Seeing no one wishing to be heard, it was the MOTION of Lovenduski, seconded by Ostrander, to close the public comments. All ayes – motion carried.

8:45 PM MOTION by Lovenduski; seconded by Ostrander to adjourn. Roll call vote – all ayes.

ADJOURNMENT

8:45 PM: Meeting adjourned.

Respectfully submitted,

Joy M. Weiler, RMC, MMC
Township Clerk

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